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California Regional Water Quality Control Board

Los Angeles Region

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Mr. Donald R. Kendall
Calleguas Municipal Water District
2100 Olsen Road
Thousand Oaks, CA 91360

CONDITIONAL CERTIFICATION FOR PROPOSED MOORPARK PUMP STATION – LAS POSAS BASIN AQUIFER AND STORAGE RECOVERY PROJECT (Corps' Project No. 2001-01547-JWM), ARROYO SIMI, CITY OF MOORPARK, VENTURA COUNTY (File No. 03-040)

Dear Mr. Kendall:

Regional Board staff has reviewed your request on behalf of the Calleguas Creek Municipal Water District (the Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on October 9, 2003.

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

The Applicant shall be liable civilly for any violations of this certification in accordance with the California Water Code. This certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this certification action, please contact Valerie Carrillo, Lead, Section 401 Program, at (213) 576-6759.

_____[Original signed by]_____
Dennis A. Dickerson
Executive Officer

_____[December 29, 2003]_____
Date

California Environmental Protection Agency



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DISTRIBUTION LIST

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ATTACHMENT A

Project Information File No. 03-040

1. Applicant: Calleguas Municipal Water District
2100 Olsen Road
Thousand Oaks, CA 91360

Phone: (805) 579-7113 Fax: (805) 526-3675
2. Applicant's Agent: Steven Fiori
Calleguas Municipal Water District
2100 Olsen Road
Thousand Oaks, CA 91360

Phone: (805) 579-7156 Fax: (805) 526-3675
3. Project Name: Moorpark Pump Station – Las Posas Basin Aquifer and Storage Recovery Project
4. Project Location: Moorpark, Ventura County

Longitude: 118° 52' 23"
Latitude: 34° 16' 33"
5. Type of Project: Construction of pump station facilities
6. Project Description: *Purpose:*
The proposed Moorpark Pump Station is a critical component of the Las Posas Aquifer Storage and Recovery (ASR) Project. The pump station will supplement peak demands for potable water, provide emergency water supply, and provide water supply during maintenance and repair shutdowns of the primary water transmission system. This station will also provide pressure regulation, which will deliver water from the ASR.

Description:
The project activities will consist of the following components:
 - Diversion of drainage to the southern and eastern property boundaries to avoid flooding of the new pump station facility;

ATTACHMENT A

Project Information **File No. 03-040**

- Construction of new drainage pipelines to convey the 100-year flow of 273 cfs;
- Clearing and grading of the project site; and
- Construction of yard piping, valve stations, and pump station facilities.

Las Posas Basin Aquifer Storage and Recovery Project:

The Las Posas Basin ASR Project will store up to 300,000-acre feet of imported water in a groundwater basin northwest of the City of Moorpark when supplies are plentiful, generally during the winter. This stored water will be recovered (extracted) when imported supplies are reduced or unavailable, generally during summer peak demand periods, droughts, or emergencies.

The Las Posas Basin ASR Project facilities include 26 injection/extraction wells and distribution facilities to deliver the water to and from the wellfield. The distribution facilities include 30 miles of large diameter pipe, two reservoirs, and two pump stations; one of which is the Moorpark Pump Station.

The first phase of the project consists of the facilities necessary to deliver 56 cfs into the wellfield and 70 cfs from the wellfield. This phase will be complete by December 2004, with Moorpark Pump Station being the last project to be finished. Moorpark Pump Station is to be constructed between January and December 2004.

Moorpark Pump Station:

The location was selected because it is next to existing Calleguas pipelines, which are being connected for delivery of water into and out of the wellfield. The only vacant property in the area was near the existing Peach Hill Wash and is subject to flooding. To keep the pump station from flooding, it is necessary to collect the water upstream of the site in drainage pipes and deliver it to an existing drainage facility owned by the City of Moorpark which is downstream of the site.

ATTACHMENT A

Project Information File No. 03-040

Drainage Facilities in Vegetated Streambed:

Permanent drainage pipes will need to be constructed to transport water across the site in a manner, which protects the pump station facilities from flooding in the anticipated 100-year flood of 273 cfs. The drainage pipes are depicted in the three attached drawings, showing plan, profile, and section views. Of the 20-foot width of the four pipelines, approximately six feet would be within the vegetated streambed. The pipes are approximately 600 feet long. Therefore, the impacts associated with this project would be approximately 3600 square feet.

- | | |
|--|--|
| 7. Federal Agency/Permit: | U.S. Army Corps of Engineers
Individual Permit (Permit No. 2001-01547-JWM) |
| 8. Other Required Regulatory Approvals: | California Department of Fish and Game
Streambed Alteration Agreement |
| 9. California Environmental Quality Act (CEQA) Compliance: | The Calleguas Creek Municipal Water District approved the project's Final Environmental Impact Report on April 26, 1995. |
| 10. Receiving Water: | Arroyo Simi (Hydrologic Unit No. 403.62) |
| 11. Designated Beneficial Uses: | MUN, IND, GWR, FRSH, REC-1, REC-2, WARM, WILD, RARE |
| 12. Impacted Waters of the United States: | Non-wetland waters (vegetated streambed): 0.09 permanent acres |
| 13. Dredge Volume: | None |
| 14. Related Projects Implemented/to be Implemented by the | The Applicant has not identified any related projects carried out in the last 5 years or planned for implementation in the next 5 years. |

ATTACHMENT A

Project Information File No. 03-040

Applicant:

15. Avoidance/
Minimization
Activities:

The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:

- Temporary erosion control during construction shall include silt fences, hay bales, and on-site sedimentation basins;
- Construction of major drainage improvements shall occur during the dry season; and
- Construction may occur in areas that are at least 100 feet away from cactus wren nests during the period between April 1 and June 5.

16. Proposed
Compensatory
Mitigation:

The Applicant has proposed off-site mitigation in order to offset any permanent impacts associated with the project. Approximately 0.5 acres of non-native/invasive plant species removal will take place within the Calleguas Creek Watershed. This corresponds to a 5.5:1 mitigation ratio.

ATTACHMENT B

Conditions of Certification File No. 03-040

STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit and the California Department of Fish and Game's Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the state.**
2. The Applicant and all contractors employed by the Applicant shall have copies of this certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times so they are familiar with all conditions set forth.
3. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the state. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the state.

ATTACHMENT B

Conditions of Certification File No. 03-040

4. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the state.
5. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
6. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
7. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
8. The Applicant shall not conduct any activities within waters of the state during a rainfall event, or at any period when site conditions would lead to excessive erosion. If any activities are to be held within five (5) days of a predicted rainfall event, the Applicant shall stage materials necessary to prevent water degradation on site, and shall ensure that all stabilization procedures are completed prior to the rainfall event.
9. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.

ATTACHMENT B

Conditions of Certification File No. 03-040

10. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** to this Regional Board. The plan shall include the proposed method and duration of diversion activities, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for pH, temperature, dissolved oxygen, turbidity, and total suspended solids shall be implemented. These constituents shall be monitored on a **daily** basis during the first week of diversion activities, and then on a **weekly** basis, thereafter, until the in-stream work is complete. Results of the analyses shall be submitted to this Regional Board by the **15th** day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.
11. The Applicant shall restore all areas of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the state. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species to the extent feasible. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
12. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed permanent impacts to **0.09 acres** of vegetation within waters of the United States by removal of non-native or invasive species at a minimum 5.5:1 area ratio (**0.50 acres**). The mitigation site shall be located within the Calleguas Creek Watershed to the extent feasible unless otherwise approved by this Regional Board. The boundary of the mitigation site shall be clearly identified on a map of suitable quality and shall be defined by latitude and longitude. This information shall be submitted to this Regional Board for approval prior to any disturbance within waters of the United States and shall include copies of any agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.
13. All open space and mitigation areas shall be placed within a conservation easement to ensure preservation in perpetuity. Documentation of proper easement placement shall be submitted to the Regional Board within one year.

ATTACHMENT B

Conditions of Certification File No. 03-040

14. The Applicant shall submit Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas. Additionally, the Applicant shall submit a site description, including dimensions of project areas, and pre and post- project photographs.
15. The project proponent shall submit an **Annual Report** by **January 1st each year**. The report shall describe in detail all of the project activities actually performed during the previous year. This report shall include as a minimum, the following documentation:
 - (a) Color aerial and representative cross-section photo documentation of the pre- and post-project conditions;
 - (b) The overall status of project including a detailed schedule of work;
 - (c) Copies of all permits revised as required in Additional Condition 1;
 - (d) Water quality monitoring results compiled in an easy to interpret format;
 - (e) A certified statement of “no net loss” of wetlands associated with this project; and
 - (f) A certified statement from the permittee or his/her representative that all conditions of this certification have been met.
16. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** by **January 1st** of each year documenting all restoration and mitigation efforts, including, percent survival by plant species and percent cover. The reports shall include discussion of any monitoring activities and exotic plant control efforts. Representative pre and post photographs from designated stations shall be included in the reports. The reports shall be submitted by **January 1st** of each year for a minimum period of **five (5) years** after planting or until mitigation success has been achieved.
17. All applications, reports, or information submitted to the Regional Board shall be signed:
 - (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates;
 - (b) For a partnership, by a general partner;
 - (c) For a sole proprietorship, by the proprietor;

Conditions of Certification
File No. 03-040

- "I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed they system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

____ (Signature)
____ (Title)''

- 5 of 6

ATTACHMENT B

Conditions of Certification File No. 03-040

23. The Applicant or their agents shall report any noncompliance, which may endanger health or the environment. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
24. *Enforcement:*
- (a) In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
 - (b) In response to a suspected violation of any condition of this certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - (c) In response to any violation of the conditions of this certification, the SWRCB or RWQCB may add to or modify the conditions of this certification as appropriate to ensure compliance.
25. This certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application prior to termination of this certification if renewal is requested.